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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,133	06/01/2001	Tim Clark	VTTI-P2702	1924

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J MARK HOLLAND & ASSOCIATES  
3 CIVIC PLAZA SUITE 210  
NEWPORT BEACH, CA 92660

EXAMINER

HARTMAN JR, RONALD D

ART UNIT PAPER NUMBER

2121

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/872,133

Applicant(s)

CLARK ET AL.

Examiner

Ronald D Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-18, 22-29 and 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21, 30-33 and 39-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Claims 19-21, 30-33 and 39-46 are presented for further examination.
2. Once again the applicant is reminded to cancel any claim not currently under prosecution in response to this office action. It is noted that claims 1-18, 22-29 and 34-38 have been withdrawn but not canceled.

#### ***Claim Rejections - 35 USC § 103 (maintained)***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-21, 30-33 and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendell, U.S. Patent No. 5,616,239, in view of Hunter, U.S Patent No. 6,363,422.

As per claims 19, 30, 39-40 and 45, Wendell teaches a remote monitoring and control system for a water installation, the system comprising:

- a plurality of sensors for monitoring a plurality of water installation parameters (e.g. C3 L15-40);
- an electronic data acquisition and control device, in electrical communication with the sensors, for receiving data signals indicative of the monitored water parameters, and for selectively generating control signals to control devices related to the water parameters (e.g. "CPU"; Figure 1 element 112 and C4 L24-36); and
- a remote computer (e.g. "remote CPU"; Figure 1 element 194 and C6 L26-38).

As per claims 19 and 40, Wendell does not specifically teach the use of a network interface for providing a web based network connection between a remote computer/server and the data acquisition and control device.

Hunter teaches the use of a network interface for providing a web based network connection between a remote server and a data acquisition and control device, wherein the interface includes a means for transmitting data to the remote server and a means for transmitting control data to the related devices, wherein the control data is transmitted from the remote server. (e.g. C13 L10-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell for the purpose of providing an web based means for monitoring and controlling remote device(s) and allowing an operator bi-directional communications, including both monitoring and controlling functions, by utilizing a graphically implemented user interface to aid in visualizing the remote operational conditions and status of the remote controlled device(s), regardless of the geographic location of an operator and/or the remote controlled device(s).

As per claims 30 and 39, Wendell teaches control of a pool (Abstract).

As per claims 21, 30-33, 39 and 45, Wendell does not specifically teach controlling using the Internet, storing data in a remote server, accessing the remote server using the Internet and viewing current operational data stored on the remote server, wherein the stored data on the remote server is in the form of a graph, table or chart.

Hunter teaches controlling multiple aspects of a building automation system using the Internet, storing data in a remote server, accessing the remote server using the Internet and viewing current operational data using a remote server, wherein the stored data is in the form of a graph, table or chart (e.g. C3 L2-17 and C13 L30-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell so as to

provide a way of minimizing the computations of the local computer system. That is, by allowing for monitoring functions to take place remotely, the local computer system is able to run more effectively since it does not need to concern itself with the monitoring functions, and less storage space is needed on the local computer system for efficiently running the system. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell for the purpose of providing a means by which the parameters, related to the water installation, may be graphically visualized so that an operator may efficiently operate the water installation utilizing graphical representations, of water installation parameters, displayed on a display screen.

As per claim 20, Wendell teaches remotely viewing a current operational state of the water installation (e.g. C4 L43-49).

As per claims 41 and 46, Wendell's combined system (Wendell in view of Hunter) teaches the use of a web browser for viewing data (e.g. See Hunter; Claim 6).

As per claims 42 and 46, Wendell's combined system teaches the use of JAVA (e.g. See Hunter; C13 L18-39), and the use of JAVA applets is inherent to the capabilities and known functions related to the use of JAVA.

As per claims 43-44, Wendell teaches controlling a pool and spa (e.g. C2 L57-60).

### ***Response to Arguments***

5. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In other words, the applicant has simply stated that the claimed invention is not rendered unpatentable by Hunter et al., alone or in combination with Wendell et al., because neither Hunter nor Wendell specifically teach "network connectivity that considers equipment having no native language protocols".

In response to this argument, this being the only argument presented, it is noted that the features upon which applicant relies (i.e., "network connectivity that considers equipment having no native language protocols") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, since the applicant has not amended the claims to read around the applied prior art, the previous grounds of rejection is maintained and is reiterated in this office action for the applicant's convenience, wherein this action is being made **FINAL**.

It is also noted that the amendments filed on 12/28/2004 have addressed all of the outstanding issues with respect to any and all claim objections previously set forth by the office action mailed on 7/19/2004.

Furthermore, it is also noted that the amendments filed on 12/28/2004 have also adequately addressed all of the outstanding issues with respect to any and all claim rejections formed under 35 U.S.C. 112 1<sup>st</sup>, previously set forth by the office action mailed on 7/19/2004.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon. - Fri., 10:00 am - 7:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Patent Examiner

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X R D H



Anthony Knight  
Supervisory Patent Examiner  
Group 3600